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SUBJECT: MOLDOVA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHÉ

REF: A. (A) STATE 59732
 [B.](#) (B) STATE 005577

¶1. This is an action cable; see paras 5 through 7 and 10.

¶2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

¶3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Moldova of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Moldova and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

¶4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

¶5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Moldova of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

¶6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Moldova's country narrative in the 2009 TIP Report:

Moldova (TIER 2 Watch List)

Moldova is a source, and to a lesser extent, a transit and destination country for women and girls trafficked for the purpose of commercial sexual exploitation and men trafficked for forced labor. According to an ILO report, Moldova's national Bureau of Statistics estimated that there were likely over 25,000 Moldovan victims of trafficking for forced labor in 2008. Moldovan women are trafficked primarily to Turkey, Russia, Cyprus, the UAE, and also to other Middle Eastern and Western European countries. Men are trafficked to work in the construction, agriculture, and service sectors of Russia and other countries. There have also been some cases of children trafficked for begging to neighboring countries. Girls and young women are trafficked within the country from rural areas to Chisinau, and there is evidence that men from neighboring countries are trafficked to Moldova for forced labor. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a source for trafficking in persons.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite initial efforts to combat trafficking-related complicity since the government's reassessment on the Tier 2 Watch List in September 2008, and increased victim assistance, the government did not demonstrate sufficiently meaningful efforts to curb trafficking-related corruption, which is a government- acknowledged problem in Moldova; therefore, Moldova is placed on Tier 2 Watch List. While some of Moldova's anti-trafficking activities remained dependent on international donor funding, the government improved victim protection efforts, deployed more law-enforcement officers in the effort and contributed direct financial assistance toward victim protection and assistance for the first time.

Recommendations for Moldova: Continue to investigate and prosecute law enforcement officials, complicity in trafficking, and seek punishment of any guilty officials; continue to improve data collection on investigations, prosecutions, convictions, and sentences for trafficking offenders, and demonstrate increased law enforcement efforts; continue to disburse resources for victim assistance and protection; boost proactive efforts to identify and protect trafficking victims, including child victims and victims trafficked within Moldova; consider prevention activities specifically targeted at reducing the demand for human trafficking in Moldova.

Prosecution

The Government of Moldova acknowledged a trafficking-related complicity problem and investigated some cases of trafficking-related complicity, though it did not convict any complicit officials or demonstrate increased overall law enforcement efforts over the reporting period. The Government of Moldova prohibits all forms of trafficking through Articles 165 and 206 of its criminal code. Penalties prescribed range from seven years, to life imprisonment,

which are sufficiently stringent and commensurate with those prescribed for rape. Data collection on trafficking related law enforcement statistics improved in 2008, though accuracy concerns remained. The government reported initiating 246 trafficking investigations (decreased from 507 reported last year) and 127 trafficking prosecutions (decreased from 250 reported last year), including 31 under the child trafficking statute. The government reported 58 convictions (comparable to 60 reported last year) with sentences ranging from 7 to 23 years. Despite widespread reports of corruption related to human trafficking, the government still has not convicted any official for trafficking related complicity. In June 2008, the government acknowledged a lack of adequate efforts to prosecute officials reportedly complicit in trafficking and at that time re-opened three high profile cases involving allegations of trafficking-related corruption that had previously been dismissed under questionable circumstances. .

These investigations remain open. During 2008, the government prosecuted one trial court judge and investigated another suspected of unreasonably downgrading the charges in two trafficking cases and imposing on the defendants penalties more lenient than prescribed by the law; the government reported that the prosecution remains open, though it closed the separate investigation for lack of evidence. The government opened several additional investigations of alleged trafficking complicity of law enforcement officials in 2008 but later determined they were not trafficking related cases. The national police academy has included a regular segment on trafficking in its curriculum, the Ministry of Internal Affairs organized 32 trafficking seminars for employees, and officials held one seminar for consular officers on trafficking in 2008.

Protection

Moldova improved its victim protection efforts during the reporting period. For the first time, the government funded approximately \$52,000 for the operation of an IOM-operated primary shelter for repatriated adult and child victims. In cooperation with IOM, the government expanded the national system of referring identified trafficking victims to shelters to cover 16 districts and 2 municipalities, an increase from seven districts covered in 2007. During the last year, the government enacted regulations for facilitating and funding victim repatriation. Moldovan law exempts victims from criminal prosecution for unlawful acts committed as a direct result of being trafficked. NGOs continued to document instances of trafficking victims, rights being violated in court, though the official government policy remained one of encouraging victims to participate in the investigation and prosecution of trafficking offenders. Most NGOs noted that the government's treatment of victims improved during the last year. Moldova's government Center to Combat Trafficking in Persons (CCTIP) continued operating a special unit for physical and psychological protection of victims and witnesses, and in September 2008, the government enacted a new witness protection law. Moldova does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

The government sustained prevention efforts during the reporting period. In 2008, CCTIP participated in 27 interviews broadcast on radio and TV, conducted 30 seminars on trafficking prevention in schools and universities, and provided outreach to church leaders. The government's national committee charged with coordinating anti-trafficking activities in Moldova held only one meeting in 2008. The Ministry of Economy and Trade provided vocational training free of charge to at-risk persons and returned trafficking victims referred by IOM. The Ministry of Interior funded and operated a victim assistance hotline during the reporting period. The Ministry of Foreign Affairs and European Integration trains consular officers to assist victims in destination countries. There was no evidence that the government undertook prevention activities specifically

targeted at reducing the demand for commercial sex or forced labor in Moldova.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier ¶3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Moldova given a ranking of Tier 2 Watch List?

A: The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made initial efforts to combat trafficking-related complicity and increased victim assistance, but the government did not demonstrate sufficiently meaningful efforts to curb trafficking-related corruption, which is a government- acknowledged problem in Moldova.

Q2: What progress has Moldova made in the past year?

A: While some of Moldova's anti-trafficking activities remained dependent on international donor funding, the government improved victim protection efforts, deployed more law-enforcement officers in the effort and contributed direct

financial assistance toward victim protection and assistance for the first time.

10. What can Moldova do to improve its fight against trafficking in persons?

1A. To improve its anti-trafficking performance, the Moldovan government could: continue to investigate and prosecute law enforcement officials, complicity in trafficking, and seek punishment of any guilty officials; continue to improve data collection on investigations, prosecutions, convictions, and sentences for trafficking offenders, and demonstrate increased law enforcement efforts; continue to disburse resources for victim assistance and protection; boost proactive efforts to identify and protect trafficking victims, including child victims and victims trafficked within Moldova; consider prevention activities specifically targeted at reducing the demand for human trafficking in Moldova.

112. The Department appreciates posts, assistance with the preceding action requests.

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